

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

ALEXANDER PRIEL,)
Plaintiff,) Case No.: 1:12-CV-2516
vs.) PLAINTIFF'S COMPLAINT
WILLIAMS & FUDGE, INC.,) AND DEMAND FOR JURY TRIAL
Defendant.)

VERIFIED COMPLAINT

ALEXANDER PRIEL, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against WILLIAMS & FUDGE, INC., ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of OHIO, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in North Ridgeville, OH.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company, with its corporate office located at: Williams & Fudge, Inc., 300 Chatham Avenue, Rock Hill, SC 29730.
10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

A. DEBT

11. Plaintiff incurred a financial obligation in the approximate amount of \$1,467.00 (the "Debt") to Pennsylvania State University World (the "Creditor").
12. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. §1692a(5).

13. The Debt was purchased, assigned or transferred to Williams & Fudge, Inc. for collection, or Williams & Fudge, Inc. was employed by the Creditor to collect the Debt.

14. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. §1692a(2).

B. HARASSMENT AND ABUSIVE TACTICS

15. Defendant constantly and continuously places collection calls to Plaintiff at 440-310-2860 seeking and demanding payment for the alleged debt.

16. Defendant calls Plaintiff from telephone number 803-329-9791 seeking and demanding payment for the alleged debt.

17. Defendant began calling on or about June 2012.

18. Defendant received a written request (see Exhibit A following Complaint) to cease and desist collection attempts on June 25, 2012 as noted by the certified mailing return receipt (see Exhibit B following Complaint) and the Track and Confirm email forwarded by the U. S. Postal Service (see Exhibit C following Complaint).

19. Defendant resumed calling on July 2, 2012 after receiving the cease and desist letter and called on July 3, 2012 and July 5, 2012.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

20. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692b(1) of the FDCPA by contacting persons other than Plaintiff and failing to identify him/herself and failing to state the he/she is confirming or correcting location information concerning Plaintiff.
- c.) Defendant violated §1692b(2) of the FDCPA by stating that the Plaintiff owes a debt in communications with persons other than Plaintiff.
- d.) Defendant violated §1692c of the FDCPA by continuing with collection

attempts after being requested not to do so in writing.

WHEREFORE, Plaintiff, ALEXANDER PRIEL, respectfully requests judgment be entered against Defendant, WILLIAMS & FUDGE, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ALEXANDER PRIEL, demands a jury trial in this case.

RESPECTFULLY SUBMITTED. Dated: October 9, 2012.

BY: /s/ Shawn Cormier-Warren
SHAWN CORMIER-WARREN
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EXHIBITS

Alexander A. Priel
35582 Drake Street
North Ridgeville, OH 44039

Phone 440-453-9921
Email bizmanager44039@gmail.com

WILIAMS FUDGE INC

6-21-2012

Good Day

Please send me verification of the debt that you claim that I owe and cease any and all contact with me or family members when attempting to collect any debts. I ask that short of attempting to collect alleged debt via a lawsuit, all communication cease at once.

Sincerely,

Alexander A. Priel

A

6/4
packed
at 4:15 pm 7-2-2012
✓

SENTRY CERTIFIED MAIL INSTRUCTION

- 1. Complete and sign the instructions below.
- 2. Print return address and address on the envelope. All handwriting must match the address you provide.
- 3. Attach this card to the back of the envelope or on the front if space permits.

1. Return Address

John Cage
306 Custer Rd
P O Box 11540
Fargo ND 58111

SENTRY CERTIFIED MAIL INSTRUCTION

2. Recipient Address
DeeDee
 Home
 Business
 Work Address
 Business Address
 Other

3. Mailing instructions (Leave Blank)

4. Preferred delivery address (Leave Blank)

5. Service type

Certified Mail Registered Mail
 Registered Return Receipt for Mail
 Insured Declared
 Insured Declared

6. Preferred delivery date (Leave Blank)

7. Addressee
John Cage

2011 3500 0000 8122 7227

Reference: 111, Return Address

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(www.usps.com/maillink/return) Cag

John Cage
DeeDee
B

Alex Simanovsky

From: U.S._Postal_Service_ [U.S._Postal_Service@usps.com]
Sent: Tuesday, September 25, 2012 2:43 PM
To: ALEX@LEMONLAWINFO.COM
Subject: U.S. Postal Service Track & Confirm email Restoration - 7011 3500 0000 8122 3887

This is a post-only message. Please do not respond.

SIMANOVSKY ASSOCIATES has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0000 8122 3887

Service Type: Certified Mail(TM)

Shipment Activity	Location	Date & Time
Delivered	ROCK HILL SC 29730	06/25/12 10:10am
Notice Left	ROCK HILL SC 29731	06/25/12 8:46am
Arrival at Unit	ROCK HILL SC 29730	06/25/12 8:34am
Dispatched to Sort Facility	NORTH RIDGEVILLE OH 44039	06/22/12 3:06pm
Acceptance	NORTH RIDGEVILLE OH 44039	06/22/12 2:03pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirmfaqs.htm>